

**Giali, Dale J.**

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**From:** Jack Fitzgerald [jack@westonfirm.com]  
**Sent:** Monday, January 07, 2013 4:36 PM  
**To:** Giali, Dale J.  
**Cc:** Zarlenga, Carmine R.; 'Gregory S. Weston'  
**Subject:** RE: Nestlé/CPK -- Your Letter regarding frozen pizza and TFAs  
**Attachments:** Jan. 7, 2013 Letter, Fitzgerald to Giali.pdf

Dear Dale,

We are happy to extend your clients' response time before filing per your request. Please see the attached letter.

Sincerely,  
Jack

**Jack Fitzgerald**  
The Weston Firm  
1405 Morena Boulevard, Suite 201  
San Diego, California 92110  
Phone: (619) 798-2006  
Cell: (650) 440-3170

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**From:** Giali, Dale J. [mailto:DGiali@mayerbrown.com]  
**Sent:** Monday, January 07, 2013 8:27 AM  
**To:** Jack Fitzgerald  
**Cc:** Zarlenga, Carmine R.; Gregory S. Weston  
**Subject:** RE: Nestlé/CPK -- Your Letter regarding frozen pizza and TFAs

Jack –

We are still gathering information, which has taken a bit longer than anticipated given the holidays. Can we push our response date out to January 18 (with agreement no lawsuit will be filed until we respond to the letter)? It would be much appreciated.

**Dale J. Giali | M A Y E R • B R O W N**  
350 South Grand Avenue | 25th Floor | Los Angeles, CA 90071  
T: 213.229.9509 | F: 213.625.0248 | C: 714.402.3485 | [dgiali@mayerbrown.com](mailto:dgiali@mayerbrown.com)

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**From:** Jack Fitzgerald [mailto:jack@westonfirm.com]  
**Sent:** Friday, December 14, 2012 1:10 PM  
**To:** Giali, Dale J.; Gregory S. Weston  
**Cc:** Zarlenga, Carmine R.  
**Subject:** Re: Nestlé/CPK -- Your Letter regarding frozen pizza and TFAs

Dale,

Certainly. We look forward to your client's response. Please feel free to give me a call if you'd like to discuss further.

Jack

Sent from my Evo.

----- Reply message -----

From: "Giali, Dale J." <[DGiali@mayerbrown.com](mailto:DGiali@mayerbrown.com)>

Date: Fri, Dec 14, 2012 12:33 pm

Subject: Nestlé/CPK -- Your Letter regarding frozen pizza and TFAs

To: "Gregory S. Weston" <[greg@westonfirm.com](mailto:greg@westonfirm.com)>, <[jack@westonfirm.com](mailto:jack@westonfirm.com)>

Cc: "Zarlenga, Carmine R." <[CZarlenga@mayerbrown.com](mailto:CZarlenga@mayerbrown.com)>

Greg & Jack –

This week, we received your December 5 letter. We would like to confirm that Nestlé has until close of business on January 11 to respond, and that no lawsuit will be filed prior to then. Thank you.

**Dale J. Giali | M A Y E R • B R O W N**

350 South Grand Avenue | 25th Floor | Los Angeles, CA 90071

T: 213.229.9509 | F: 213.625.0248 | C: 714.402.3485 | [dgiali@mayerbrown.com](mailto:dgiali@mayerbrown.com)

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## THE WESTON FIRM

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January 7, 2013

**Via Email**

Dale J. Giali, Counsel  
Mayer Brown LLP  
350 South Grand Avenue, 25th Floor  
Los Angeles, CA 90071-1503

**RE: *Katie Simpson v. Nestlé Brand Pizzas***  
**Confidential Offer of Settlement – FRE 408**

Dear Dale,

I write in response to your email today requesting that our client, Katie Simpson, further delay her filing of her complaint against Nestlé while your clients gathers information and formulates a response to Ms. Simpson's demand letter. We are happy to agree, and confirm we will not file before January 19, 2013.

As California law encourages pre-filing settlements, please convey to your client Ms. Simpson's offer to settle on the following terms, which we urge Nestlé to consider in the interim:

1. Nestle agrees to reduce the number of frozen pizza SKUs it produces or distributes containing partially hydrogenated oil by 50% within 18 months.
2. Nestle completely discontinues the use of partially hydrogenated oil in frozen pizza products within 24 months.
3. Nestle agrees to create a common fund of \$2.7 million, and pay up to an additional \$300,000 for settlement notice and administration. Any fees and costs will only be sought from the common fund, and in no event will exceed 25% of the total.
4. Nestlé, CPK, and their related companies receive a broad nationwide release from all claims relating to labeling and marketing of their frozen pizza products.

Sincerely,



Jack Fitzgerald

CC: Carmine R. Zarlenga; Gregory S. Wesotn